

**A CERTIFIED TRUE COPY**

OCT 16 2006

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONFILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA

2006 OCT 17 P 12:17

DOCKET NO. 1057  
CLERKJUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

SEP 28 2006

FILED  
CLERK'S OFFICE

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY  
LITIGATION****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-64)**

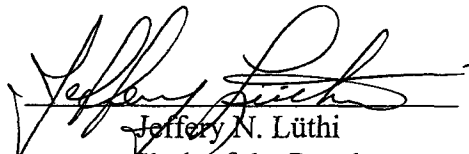
On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 360 F.Supp.2d 1352 (J.P.M.L. 2005). Since that time, 4,400 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

  
 Jeffery N. Lüthi  
 Clerk of the Panel

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

OCT 16 2006

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONCLERK'S OFFICE  
A TRUE COPY

OCT 30 2006

Deputy Clerk, U.S. District Court  
Eastern District of Louisiana  
New Orleans, LA
 Fee \_\_\_\_\_  
 Process \_\_\_\_\_  
 X Dkt'd port  
 CtRmDep 8052  
 Doc.No. 8052

**SCHEDULE CTO-64 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1657**  
**IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY**  
**LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	<u>EDLA</u> <u>SEC. L/3</u>
<b>ALABAMA NORTHERN</b>		
ALN 1 06-1628	Barbara D. Davison, et al v. Merck & Co., Inc.	06-8303
ALN 2 06-1570	Glenn W. Baty, Jr. v. Merck & Co., Inc.	06-8304
ALN 2 06-1625	Jo Lynn Perkins, et al. v. Merck & Co., Inc.	06-8305
ALN 2 06-1630	Audrey G. Pearson, et al. v. Merck & Co., Inc.	06-8306
ALN 3 06-1626	James W. Russell, et al. v. Merck & Co., Inc.	06-8307
ALN 4 06-1627	Herber R. Norckauer v. Merck & Co., Inc.	06-8308
ALN 4 06-1629	Marjorie Carson, et al. v. Merck & Co., Inc.	06-8309
ALN 5 06-1535	Linda T. Eaves, et al. v. Merck & Co., Inc.	06-8310
<b>ARKANSAS WESTERN</b>		
ARW 3 06-3050	John J. O'Neill v. Merck & Co., Inc.	06-8311
<b>CALIFORNIA CENTRAL</b>		
CAC 2 06-3235	Carolyn Wunder, etc. v. Merck & Co., Inc.	06-8312
CAC 2 06-4748	Cleola Williams, et al. v. Merck & Co., Inc.	06-8313
CAC 2 06-4763	Dr. Gilbert Swe, et al. v. Merck & Co., Inc., et al.	06-8314
<b>CALIFORNIA EASTERN</b>		
CAE 1 06-1006	Brenda De La Cruz, et al. v. Merck & Co., Inc.	06-8315
<del>CAE 2 06-1826</del>	<del>Gladys Herring, et al. v. Merck &amp; Co., Inc., et al. Opposed 10/16/06</del>	
<del>CAE 2 06-1845</del>	<del>Ruth Beatty v. Merck &amp; Co., Inc., et al. Opposed 10/12/06</del>	
<del>CAE 2 06-1941</del>	<del>Mary Grove v. Merck &amp; Co., Inc., et al. Opposed 10/12/06</del>	
<del>CAE 2 06-1954</del>	<del>Donna Moret v. Merck &amp; Co., Inc., et al. Opposed 10/12/06</del>	
<b>CALIFORNIA NORTHERN</b>		
<del>CAN 3 06-4921</del>	<del>Jeffrey Kaufman, et al. v. Merck &amp; Co., Inc., et al. Opposed 10/12/06</del>	
CAN 3 06-5332	Isaac Pirnazar v. Merck & Co., Inc.	06-8316
<b>COLORADO</b>		
CO 1 06-1529	Peter Appenzeller v. Merck & Co., Inc.	06-8317
CO 1 06-1676	Safdar Lilak v. Merck & Co., Inc.	06-8318
CO 1 06-1679	Donald Patterson v. Merck & Co., Inc.	06-8319
<b>CONNECTICUT</b>		
CT 3 06-1336	Joni Barnett, et al. v. Merck & Co., Inc.	06-8320
<b>FLORIDA MIDDLE</b>		
FLM 3 06-742	Kathryn Jenkins, etc. v. Merck & Co., Inc., et al.	06-8321
FLM 5 06-291	Steven Pazian, etc. v. Merck & Co., Inc.	06-8322
FLM 8 06-1507	Jerry Kaiser v. Merck & Co., Inc., et al.	06-8323
FLM 8 06-1572	Ena Diaz v. Merck & Co., Inc., et al.	06-8324
FLM 8 06-1593	Thomas Greenlee, et al. v. Merck & Co., Inc.	06-8325
<b>FLORIDA NORTHERN</b>		
FLN 1 06-130	Theodore Presley v. Merck & Co., Inc., et al.	06-8326
FLN 1 06-163	Betty Daniels v. Merck & Co., Inc., et al.	06-8327

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	<u>EDLA SEC. L/3</u>
<b>FLORIDA SOUTHERN</b>		
FLS 0 06-61147	Dorothy J. Matuszak, et al. v. Merck & Co., Inc.	06-8328
FLS 0 06-61148	Sylvia Cardone, et al. v. Merck & Co., Inc.	06-8329
FLS 9 06-80732	Allan Reise, et al. v. Merck & Co., Inc.	06-8330
<b>GEORGIA MIDDLE</b>		
GAM 4 06-73	Helen Hightower, etc. v. Merck & Co., Inc.	06-8331
GAM 5 06-286	Barbara P. Stone, et al. v. Merck & Co., Inc.	06-8332
<b>GEORGIA NORTHERN</b>		
GAN 1 06-1749	Veronica Davis v. Merck & Co., Inc.	06-8333
GAN 1 06-1751	Barbara Jean Brown v. Merck & Co., Inc.	06-8334
GAN 1 06-1752	Audrey Culbreth v. Merck & Co., Inc.	06-8335
GAN 1 06-1753	Susan Patton, etc. v. Merck & Co., Inc.	06-8336
GAN 1 06-1754	Leta Ballard, etc. v. Merck & Co., Inc.	06-8337
GAN 1 06-1965	Muriel Burnat v. Merck & Co., Inc.	06-8338
<b>GEORGIA SOUTHERN</b>		
GAS 6 06-75	Mary Sowell, etc. v. Merck & Co., Inc.	06-8339
<b>IOWA SOUTHERN</b>		
IAS 4 06-403	James F. Lockard, et al. v. Merck & Co., Inc.	06-8340
<b>IDAHO</b>		
ID 1 06-326	Dorothy LeFavi v. Merck & Co., Inc.	06-8341
<b>ILLINOIS CENTRAL</b>		
ILC 3 06-3188	Jerry Highsmith v. Merck & Co., Inc.	06-8342
<b>ILLINOIS NORTHERN</b>		
ILN 1 06-4602	Joseph Szerbinski, et al. v. Merck & Co., Inc.	06-8343
<b>ILLINOIS SOUTHERN</b>		
<del>ILS 3 06-630</del>	<del>Lorene Deist, et al. v. Merck &amp; Co., Inc., et al. Opposed 10/10/06</del>	
<del>ILS 3 06-634</del>	<del>June Mannings, et al. v. Merck &amp; Co., Inc., et al. Opposed 10/10/06</del>	
ILS 3 06-658	Roland Beavers, et al. v. Merck & Co., Inc.	06-8344
<b>INDIANA SOUTHERN</b>		
INS 2 06-160	John A. Shipman, Sr., et al. v. Merck & Co., Inc.	06-8345
INS 2 06-169	Leslie D. Johnston, et al. v. Merck & Co., Inc.	06-8346
INS 2 06-181	Carolyn Willis v. Merck & Co., Inc.	06-8347
INS 2 06-182	Nancy A. Chambers, et al. v. Merck & Co., Inc.	06-8348
<b>KANSAS</b>		
KS 2 06-2331	Wanda Fendley v. Merck & Co., Inc.	06-8349
KS 2 06-2338	Jack Nachman, et al. v. Merck & Co., Inc.	06-8350
<b>LOUISIANA WESTERN</b>		
LAW 5 05-1710	Jeffrey Brinson, et al. v. Merck & Co., Inc.	06-8351
<b>MINNESOTA</b>		
MN 0 06-3189	John P. Erickson, etc. v. Merck & Co., Inc.	06-8352
MN 0 06-3193	Paul Kunin, et al. v. Merck & Co., Inc.	06-8353
MN 0 06-3199	Raye Simonian, et al. v. Merck & Co., Inc.	06-8354
MN 0 06-3351	Ambrose Reese, etc. v. Merck & Co., Inc.	06-8355
MN 0 06-3444	Shirley P. Worth v. Merck & Co., Inc.	06-8356
MN 0 06-3449	Ronald Swanson, et al. v. Merck & Co., Inc.	06-8357
MN 0 06-3503	Osmo Larimi v. Merck & Co., Inc.	06-8358

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<b>MISSOURI EASTERN</b>		
<del>MOE 4 06-1157</del>	<del>Stephen D. Murch v. Merck &amp; Co., Inc., et al. Opposed 10/10/06</del>	
MOE 4 06-1181	Jack Priesmeyer v. Merck & Co., Inc.	06-8359
<b>MISSISSIPPI SOUTHERN</b>		
MSS 1 06-760	Cynthia King v. Merck & Co., Inc.	06-8360
MSS 1 06-761	Gladys Harrien v. Merck & Co., Inc.	06-8361
MSS 1 06-762	Gary Wyman, Sr. v. Merck & Co., Inc.	06-8362
MSS 1 06-763	Robert Seal v. Merck & Co., Inc.	06-8363
<b>NORTH CAROLINA EASTERN</b>		
<del>NCE 7 06-115</del>	<del>Eugene Seals, et al. v. Merck &amp; Co., Inc., et al. Opposed 10/10/06</del>	
NCE 7 06-119	Alma F. Owens v. Merck & Co., Inc.	06-8364
<b>NORTH CAROLINA MIDDLE</b>		
NCM 1 06-710	Michael R. Ingram, et al. v. Merck & Co., Inc.	06-8365
NCM 1 06-711	Jeffery L. Ireland, et al. v. Merck & Co., Inc.	06-8366
NCM 1 06-714	Irene G. Berckman, et al. v. Merck & Co., Inc.	06-8367
<b>NORTH CAROLINA WESTERN</b>		
NCW 1 06-236	Marshall D. Justice, et al. v. Merck & Co., Inc.	06-8368
NCW 1 06-257	Cynthia M. Beam, et al. v. Merck & Co., Inc.	06-8369
NCW 3 06-365	Jay H. Carpenter, et al. v. Merck & Co., Inc.	06-8370
NCW 3 06-366	William H. Cooper, et al. v. Merck & Co., Inc.	06-8371
<b>NEBRASKA</b>		
NE 4 06-3184	Kenneth J. Nowak, et al. v. Merck & Co., Inc.	06-8372
NE 4 06-3186	Steven Harrington, et al. v. Merck & Co., Inc.	06-8373
NE 4 06-3188	Aralon W. Oestmann, et al. v. Merck & Co., Inc.	06-8374
<b>NEW JERSEY</b>		
NJ 3 06-3384	Frank Britton, et al. v. Merck & Co., Inc.	06-8375
NJ 3 06-4081	Constance Ware, et al. v. Merck & Co., Inc.	06-8376
NJ 3 06-4160	John Aubuchon, et al. v. Merck & Co., Inc.	06-8377
<b>NEVADA</b>		
NV 2 06-1018	Bernell Shaffner v. Merck & Co., Inc., et al.	06-8378
<b>NEW YORK EASTERN</b>		
NYE 1 06-3790	Joseph D. Wein, etc. v. Merck & Co., Inc.	06-8379
<b>NEW YORK NORTHERN</b>		
<del>NYN 1 06-932</del>	<del>Dennis Richard Harrison v. Merck &amp; Co., Inc. Opposed 10/16/06</del>	
<b>NEW YORK SOUTHERN</b>		
NYS 1 06-5665	William Kahle, et al. v. Merck & Co., Inc.	06-8380
NYS 1 06-5896	Carmen I. Reyes, etc. v. Merck & Co., Inc.	06-8381
<b>NEW YORK WESTERN</b>		
NYW 1 06-517	Ronald V. Morley, Sr. v. Merck & Co., Inc.	06-8382
NYW 6 06-6410	Gregory Bennett, etc. v. Merck & Co., Inc., et al.	06-8383
NYW 6 06-6427	Stephanie Guy, et al. v. Merck & Co., Inc., et al.	06-8384
NYW 6 06-6428	Arline M. Ellis, et al. v. Merck & Co., Inc., et al.	06-8385
NYW 6 06-6429	Karen Sarach, et al. v. Merck & Co., Inc., et al.	06-8386

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<b>OHIO NORTHERN</b>		
OHN 1 06-1982	Diane M. Lamoreaux, et al. v. Merck & Co., Inc.	06-8387
OHN 1 06-1984	Howard Moss v. Merck & Co., Inc.	06-8388
OHN 1 06-2106	Markus Bruckner v. Merck & Co., Inc.	06-8389
OHN 3 06-1877	Pearl D. King, et al. v. Merck & Co., Inc.	06-8390
OHN 3 06-1898	James G. Siefker, etc. v. Merck & Co., Inc.	06-8391
OHN 3 06-2062	Howard Davenport, et al. v. Merck & Co., Inc.	06-8392
<b>OKLAHOMA EASTERN</b>		
OKE 6 06-309	Carol Chastain v. Merck & Co., Inc.	06-8393
OKE 6 06-310	Rick Swafford v. Merck & Co., Inc.	06-8394
OKE 6 06-341	Tommy Combs, et al. v. Merck & Co., Inc.	06-8395
<b>OKLAHOMA NORTHERN</b>		
OKN 4 06-395	Ruby Erhart, etc. v. Merck & Co., Inc.	06-8396
OKN 4 06-444	Duain W. Hogue v. Merck & Co., Inc.	06-8397
OKN 4 06-450	Helen L. Post, et al. v. Merck & Co., Inc.	06-8398
OKN 4 06-452	Ronald Kelsey v. Merck & Co., Inc.	06-8399
<b>OKLAHOMA WESTERN</b>		
OKW 5 06-904	Willa Jean Poe, et al. v. Merck & Co., Inc.	06-8400
<b>PENNSYLVANIA EASTERN</b>		
PAE 2 06-3419	George Acaley, et al. v. Merck & Co., Inc., et al.	06-8401
PAE 2 06-3439	Renate Eaton, etc. v. Merck & Co., Inc., et al.	06-8402
PAE 2 06-3440	Dolores Bultman v. Merck & Co., Inc., et al.	06-8403
PAE 2 06-3441	Thomas H. Whitfield, et al. v. Merck & Co., Inc., et al.	06-8404
PAE 2 06-3498	Dorothy J. Larson, et al. v. Merck & Co., Inc., et al.	06-8405
PAE 2 06-3534	Henrietta L. Morris, et al. v. Merck & Co., Inc., et al.	06-8406
PAE 2 06-3557	Maria Oquendo v. Merck & Co., Inc., et al.	06-8407
PAE 2 06-3558	Bradford Clayton Wallis, et al. v. Merck & Co., Inc., et al.	06-8408
PAE 2 06-3593	Henry Bell, et al. v. Merck & Co., Inc., et al.	06-8409
PAE 2 06-3627	Edward J. Silverman, et al. v. Merck & Co., Inc., et al.	06-8410
PAE 2 06-3645	Nancy M. Miller, etc. v. Merck & Co., Inc.	06-8411
PAE 2 06-3700	Eric J. Cohen, et al. v. Merck & Co., Inc., et al.	06-8412
PAE 2 06-3722	Shirley D. McGinley, etc. v. Merck & Co., Inc.	06-8413
PAE 2 06-3804	Mary Ann Romerger, etc. v. Merck & Co., Inc.	06-8414
<b>PENNSYLVANIA WESTERN</b>		
PAW 2 06-1120	Audrey Sapida v. Merck & Co., Inc.	06-8415
<b>SOUTH CAROLINA</b>		
SC 4 06-2332	Carlos R. Delafuente, et al. v. Merck & Co., Inc.	06-8416
SC 4 06-2369	Michael E. Watson, et al. v. Merck & Co., Inc.	06-8417
<b>TEXAS EASTERN</b>		
TXE 2 06-312	Johnny Kincaid, et al. v. Merck & Co., Inc.	06-8418
TXE 5 06-191	Bertha Free v. Merck & Co., Inc.	06-8419
<b>TEXAS NORTHERN</b>		
TXN 4 06-538	Kathryn Jo Trotter v. Merck & Co., Inc.	06-8420
TXN 4 06-569	Katherine Shelly Moyers v. Merck & Co., Inc.	06-8421

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TEXAS SOUTHERN		
TXS 4 06-2565	Winston Webber v. Merck & Co., Inc.	06-8422
TEXAS WESTERN		
TXW 2 06-69	Alicia E. Ramos, et al. v. Merck & Co., Inc.	06-8423
UTAH		
UT 1 06-92	Joyce Mower, etc. v. Merck & Co., Inc.	06-8424
UT 2 06-697	Beryl Ball, etc. v. Merck & Co., Inc.	06-8425
VIRGINIA WESTERN		
VAW 2 06-48	Nancy Osborne, et al. v. Merck & Co., Inc.	06-8426
WASHINGTON WESTERN		
WAW 2 06-1113	Gene Mesker, et al. v. Merck & Co., Inc.	06-8426
WEST VIRGINIA SOUTHERN		
<del>WVS 2 06-619</del>	<del>Ronda Lee Smith, etc. v. Health Management Associates of West Virginia, Inc., et al.</del>	<del></del>
	Vacated 10/13/06	